



Gp 12861  
#21

In re Application of:

SHIN MOGI, ET AL.

Application No.: 09/392,626

Filed: September 9, 1999

For: MULTI-BEAM SCANNING  
APPARATUS

Examiner: H. Pham

Group Art Unit: 2861

February 6, 2003

Commissioner for Patents  
Washington, D.C. 20231

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Sir:

In response to the Official Action mailed December 18, 2002, the Examiner is respectfully requested to consider and enter the following remarks:

## REMARKS

Claims 27-30, 32, 34-39, 41, 43, and 44 stand rejected under 35 U.S.C. § 102 as being anticipated by Japanese Application No. 10-244707 (Asami). Claims 31 and 40 stand rejected under 35 U.S.C. § 103 as being unpatentable over Asami in view of U.S. Patent No. 5,408,493 (Aoki). Claims 33 and 42 stand rejected under 35 U.S.C. § 103 as being unpatentable over Asami in view of U.S. Patent No. 5,999,345 (Nakajima, et al.). Thus, the primary reference in each of the outstanding rejections is Asami.

On December 4, 2002, Applicants filed a Submission of Sworn Translation, submitting the translation of the earliest Japanese priority application for the present U.S. application -- Japanese Patent Application No. 10-279352 (“the ‘352 application”). The ‘352 application was filed on the same day as the publication of Asami.